

REMARKS

Applicants have now submitted a Sequence Listing and a corresponding computer-readable Sequence Listing. The sequence information recorded in the corresponding computer-readable Sequence Listing is identical to the paper copy of the Sequence Listing. Support for all the sequences listed in the Sequence Listing is found in the present application as originally filed. No new matter is believed to have been introduced by the submission of the Sequence Listing and the corresponding computer-readable Sequence Listing.

The Office has restricted this application under 35 U.S.C. §121 to the following groups:

- Group I: Claims 25-39, drawn to a group of related products (encoding nucleic acids, baculovirus vectors comprising the nucleic acids, and transfected host cells comprising the vectors);
- Group II: Claims 20-24, 40-41, and 45, drawn to a given product (antibody), processes using said product (diagnostic or separation methods), and a means specially adapted for the manufacture of said product (hybridomas).
- Group III: Claims 1-19 and 42-44, drawn to a given product (protein) and a use of said product (vaccine).

Applicants elect with traverse, Group I, Claims 25-39, for initial examination purposes only.

The Office argues that the invention of Groups I, II, and III do not relate to a single general inventive concept under PCT Rule §13.1 because, under PCT Rule §13.2, they lack the same of corresponding special technical features. Specifically, the Office takes the position that "inventions I-III do not share Unity of Invention as they are independent and distinct products differing in structure, function, and use and thus share no corresponding technical feature which links them in technical relationship."

Applicants traverse the Restriction Requirement on the ground that the Office has failed to follow MPEP guidelines for making a lack of unity invention requirement between restricted groups. MPEP §1893.03(d) states:

When making a lack of unity of invention requirement, the Examiner must (1) list different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.

The Examiner has not explained why each groups lacks unity with each other group and has not specifically described the unique special technical features in each group to justify the conclusion of a lack of unity of invention.

Applicants further traverse the Restriction Requirement on the ground that the Office has not applied that same standard of unity of invention as the International Preliminary Examination Authority. The Authority did not take the position that unity of invention was lacking in the international application and examined all claims together. Accordingly, Applicants respectfully request that the present Restriction Requirement is improper and should be withdrawn. Moreover, the MPEP §803 states as follows:

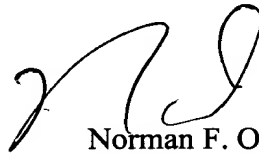
If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Applicants respectfully traverse the Restriction Requirement on the grounds that the search of all claims would not impose a serious burden on the Office.

For the reasons set forth above, Applicants contend that the Restriction Requirement is improper and respectfully request that the requirement be withdrawn. Applicants further submit that this application is now in condition for examination on the merits and early notice of such is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to be 'NFO', written in a cursive style.

Norman F. Oblon
Attorney of Record
Registration No. 24,618

Crystal Square Five - Fourth Floor
1755 Jefferson Davis Highway
Arlington, VA 22202
(703) 413-3000
NFO:DJPER/jlf

I:\User\DJPER\06600139.pr